

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00169

KENNETH JAMES TAYLOR

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On August 23, 2018, the United States of America appeared by J. Matthew Davis, Assistant United States Attorney, and the defendant, Kenneth James Taylor, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition seeking revocation of supervised release and amendment thereto submitted by United States Probation Officer Amy Berry-Richmond. The defendant commenced a three-year term of supervised release in this action on February 16, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on February 6, 2013.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to notify the probation officer of his change in employment inasmuch as the probation officer attempted to contact the defendant on June 5, 2018, at his reported place of employment, ACE Adventure Resort, and was informed by management that he had not been employed with them for two years; (2) the defendant failed to work at a lawful occupation inasmuch as he was unemployed from June, 2016, until May, 2018, except for performing odd jobs for the period of October, 2017, through, May, 2018; (3) the defendant used and possessed controlled substances without a prescription as evidenced by a positive urine specimen submitted by him on September 27, 2017, for oxymorphone; and a positive urine specimen submitted by him on July 27, 2018, for opiates, the defendant having signed a written admission to having used heroin two to three days prior; (4) the defendant failed to participate in drug treatment as directed inasmuch as he entered the 28-day inpatient program at Presteria on January 30, 2018, and left on February 23, 2018, against medical advice and without the consent of the probation officer; and (5) the

defendant failed to report for urine screens as instructed on October 16 and 26, and November 16, 2017, January 22, April 6, May 15 and 23, and June 12 and 20, 2018; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

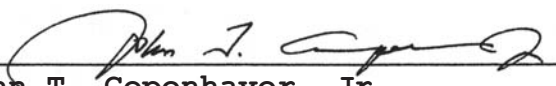
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS.

The defendant shall surrender for service of the sentence to the institution designated by the Bureau of Prisons by 2:00 p.m. on September 28, 2018.

After hearing the parties with respect to release pending sentence, the court ORDERED, pursuant to Title 18, United States Code, Section 3142(b) and (c), that the bond previously executed by the defendant shall continue for his appearance on September 28, 2018, and at such other time and place the court may direct.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 28, 2018



John T. Copenhaver, Jr.
United States District Judge